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10/509,125	03/28/2005	Shinichi Nakai	26379U	3318

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THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314

EXAMINER	
PHAM, LUU T	
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2437	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/509,125	NAKAI ET AL.	
	Examiner	Art Unit	
	LUU PHAM	2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *47-49,67-69 and 87-93* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *47-49,67-69 and 87-93* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the Amendment filed on 08/28/2008.

2. In the instant Amendment, Claims 1-46, 50-56, and 70-86 were previously canceled; Claims 47-49, 67-69, and 87-93 have been amended; Claims 47, 67, 87, and 90 are independent claims. Claims 47-49, 67-69, and 87-93 have been examined and are pending. **This Action is made FINAL.**

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan. It is noted, however, that applicant has not filed a certified copy of the 2002-097429 application as required by 35 U.S.C. 119(b).

Response to Arguments

4. The rejections of claims 47-49, 69, and 87-93 under 35 U.S.C. § 112, second paragraph, as stated on pages 2-3 of the Non-Final Office Action mailed on 05/08/2008, are withdrawn as the claims have been amended.

5. Applicants' arguments with respect to claims 47-49, 67-69, 87-89, and 90-93 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

6. The amendment filed on 08/28/2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Amended claims 47-49, 67-69, 87-88,

and 90-92 recite the limitation *"**specific data**"* (emphasis added). However, the aforementioned limitation is not discussed in the specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. **Claims 47-49, 67-69, 87-89, and 90-93 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- **Regarding claims 47-49, 67-69, 87-88, and 90-92**, the amended claims recite the limitation "***specific data***;" Said limitation is not further defined in the specification, and therefore the aforementioned limitation is vague and indefinite as to what respect of the data would be to be considered "specific data."

- **Regarding claims 89 and 93**, claims 89 and 93 are dependent on either claim 87 or 90, and therefore inherit the 35 U.S.C. 112, second paragraph issues of the independent claims.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. **Claims 47, 49, and 87 are rejected under 35 U.S.C. 102(e)** as being anticipated by Saito, U.S. Patent Publication No. 2002/0031352, filed on March 14, 2002.

- **Regarding claim 47**, Saito discloses a content processing apparatus *(par. 0004; Fig. 1)* comprising:

a first storage section *(Fig. 1; memory 11, 17, and 24 are portions of the storage section within digital still camera)* that stores therein an apparatus identifier unique to the content processing apparatus *(par. 0041; Fig. 1; device ID is stored in the storage section of the digital still camera)* and specific data *(par. 0045; Fig. 1; voice data, known as specific data, is stored in the storage section of the digital still camera)*;

an encrypting section that encrypts content and the specific data using the apparatus identifier *(pars. 0039, 0061, and 0071; Fig. 1; step2 42-43; image data, known as content, is encrypted using device ID; voice data, known as specific data, is encrypted using device ID)*; and

an output section that stores the encrypted content and the encrypted specific data in content storage medium *(pars. 0039 and 0044-0045; encrypted image data and*

encrypted voice data are record on the memory card 30) which is detachable from the content processing apparatus *(Fig. 1; memory card 30 is detachable from the digital still camera)*.

- **Regarding claim 49**, Saito discloses the content processing apparatus according to claim 47, further comprising:

a second storage section that stores therein a title of the content, in association with the specific data *(pars. 0051-0053; Fig. 2; content ID is stored on the memory card 30)*.

- **Regarding claim 87**, Saito discloses a content processing apparatus that, in an information management system where digitized information of content is managed as a file on a detachable content storage medium and use of the digital information is allowed only in an environment providing a specific identifier, writes the digital information into the content storage medium *(pars. 0038-0045; Fig. 1)*, the content processing apparatus comprising:

a first storage section *(Fig. 1; memory 11, 17, and 24 are portions of the storage section within digital still camera)* that stores an apparatus identifier unique to the content processing apparatus *(par. 0041; Fig. 1; device ID is stored in the storage section of the digital still camera)*, and specific data which is different from the apparatus identifier *(par. 0045; Fig. 1; voice data, known as specific data, is stored in the storage section of the digital still camera)* and which is for determining whether the encrypted content to be

stored in the content storage medium can be decoded properly *(pars. 0072-0074 and 0083-0084; Figs. 5 and 7; wherein at least steps 55 and 77: 'Decrypted Normally: Y/N?')*;

an encrypting section that encrypts the content using the apparatus identifier and encrypts the identification specific data using the apparatus identifier *(pars. 0039, 0061, and 0071; Fig. 1; step2 42-43; image data, known as content, is encrypted using device ID; voice data, known as specific data, is encrypted using device ID)*; and

an output section that stores the encrypted content and the encrypted specific data in the content storage medium in association with each other *(pars. 0039 and 0044-0045; Fig. 1; encrypted image data and encrypted voice data are record on the memory card 30)*.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability

of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. **Claims 48, 67-69, 88, and 90-92 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Saito, U.S. Patent Publication No. 2002/0031352, filed on March 14, 2002, in view of Okada, U.S. Patent Publication No. 2003/0041221, filed on March 13, 2002.

- **Regarding claim 48**, Saito discloses the content processing apparatus according to claim 47.

Saito does not explicitly disclose an authentication section that determines whether access is allowed to a first area of the content storage medium, the content storage medium having the first area and a second area, wherein the output section stores the specific data encrypted in the first area, and stores the content encrypted in the second area.

However, in an analogous art, Okada discloses a method for protecting data, comprising an authentication section that determines whether access is allowed to a first area of the content storage medium *(Okada: pars. 0103, 0107, 0113, and 0117; Figs. 2-3; if it is discriminated in step A6 that the second drive ID encrypted on the host unit 200 side and the encrypted second drive from the drive are coincident, then it is discriminated that the authentication of the drive 100 results in success; comparison discrimination section functions as an authentication section)*, the content storage medium having the first area and a second area, wherein the output section stores the specific data encrypted in the first area, and stores the content encrypted in the second area *(Okada: Fig. 1-2, 4, and 6; storage 150 stores key file 151 and data file 152)*.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Okada with the method and system of Saito to include an authentication section that determines whether access is allowed to a first area of the content storage medium, the content storage medium having the first area and a second area, wherein the output section stores the specific data encrypted in the first area, and stores the content encrypted in the second area to provide users with a technique for protecting data from illegal accessing without increasing the load of processing on the drive side *(Okada: par. 0042)*.

- **Regarding claim 67**, Saito discloses a content processing apparatus comprising:

an input section that reads out encrypted content from a content storage medium which is detachable from the content processing apparatus, and encrypted first specific data from the content storage medium *(pars. 0067-0068 and 0081-0083; Figs. 1, 5, and 7; wherein at least steps 52-54, 72, and 74-76)*;

a first storage section *(Fig. 1; memory 11, 17, and 24 are portions of the storage section within digital still camera)* that stores therein second specific data *(pars. 0043-0044; Fig. 1; image data, known as second specific data, is stored in the storage section of the digital camera)* and an apparatus identifier unique to the content processing apparatus *(par. 0041; Fig. 1; device ID is stored in the storage section of the digital still camera)*;

a decoding section that decodes the encrypted first specific data using the apparatus identifier *(pars. 0071-0072 and 0082-0083; Figs. 5 and 7; wherein at least steps 54 and 76)*; and

Saito does not explicitly discloses a comparing section that compares the decoded first specific data with the second specific data stored in the first storage section, wherein when the decoded first identification specific data agrees with the second specific data, the decoding section decodes the encrypted content using the apparatus identifier.

However, in an analogous art, Okada discloses method for protecting data, comprising a comparing section *(Okada: Figs. 6 and 9; comparison discrimination sections 180 and 250)* that compares the decoded first specific data with the second specific data stored in the first storage section *(Okada: pars. 0081, 0089, 0103, 0107, 0113, and 0117; Figs. 1-4 and 6-9; if the comparison discrimination section 250 discriminates that the two second drive IDs are coincident with each other when the host unit 200 read out the contents data from the drive 100 (the storage section 150), then the decryption section 271 to 273 are operate)*,

wherein when the decoded first identification specific data agrees with the second specific data, the decoding section decodes the encrypted content using the apparatus identifier *(Okada: pars. 0089-0092, 0112, and 0157-0158; Figs. 1-2, 4, 6, and 9)*.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Okada with the method and system of Saito to include a comparing section that compares the decoded first specific data with the second specific data stored in the first storage section, wherein when the decoded first identification specific data agrees with the second specific data, the decoding section decodes the encrypted content using the apparatus identifier to provide users with a

technique for protecting data from illegal accessing without increasing the load of processing on the drive side *(Okada: par. 0042)*.

- **Regarding claim 68**, Saito and Okada disclose the content processing apparatus according to claim 67.

Okada further discloses an authentication section that determines whether access is allowed to a first area of the content storage medium *(Okada: pars. 0103, 0107, 0113, and 0117; Figs. 2-3; if it is discriminated in step A6 that the second drive ID encrypted on the host unit 200 side and the encrypted second drive from the drive are coincident, then it is discriminated that the authentication of the drive 100 results in success; comparison discrimination section functions as an authentication section)*, wherein which the encrypted first specific data is stored in the first area and the encrypted content is stored in a second area of the content storage medium *(Okada: Fig. 1-2, 4, and 6; storage 150 stores key file 151 and data file 152)*.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Okada with the method and system of Saito to include an authentication section that determines whether access is allowed to a first area of the content storage medium, wherein which the encrypted first specific data is stored in the first area and the encrypted content is stored in a second area of the content storage medium to provide users with a technique for protecting data from illegal accessing without increasing the load of processing on the drive side *(Okada: par. 0042)*.

- **Regarding claim 69**, Saito and Okada disclose the content processing apparatus according to claim 67.

Saito further discloses a second storage section that stores therein a title of the content corresponding to the second specific data *(Saito: pars. 0051-0053; Fig. 2; content ID is stored on the memory card 30)*; and a display section that displays the title stored in the second storage section *(pars. 0043, 0072, and 0085-0086)*.

Okada further discloses the comparison of the comparing section indicates that the first identification specific data agrees with the second specific data stored in the first storage section *(Figs. 1-2, 4, 6-7, and 9; comparison discrimination section 250)*.

- **Regarding claim 88**, Saito and Okada disclose the content processing apparatus according to claim 87.

Okada further discloses the content storage medium comprises a first area for which authentication is required for access *(pars. 0081, 0089, and 0103)* and a second area for which authentication is not required *(pars. 0078 and 0098; Figs. 6-7 and 9)*;

the content processing apparatus further comprises an authentication section that determines whether access is allowed to the first area of the content storage medium *(pars. 0103, 0107, 0113, and 0117; Figs. 2-3; if it is discriminated in step A6 that the second drive ID encrypted on the host unit 200 side and the encrypted second drive from the drive are coincident, then it is discriminated that the authentication of the drive 100 results in success; comparison discrimination section functions as an authentication section)*; and

the output section stores the encrypted specific data in the first area and stores the encrypted content in the second area in association with the specific data *(pars. 0074 and 0086-0087; Figs. 2-9; storage section 150 includes key file 150 and data file 151)*.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Okada with the method and system of Saito, wherein the content storage medium comprises a first area for which authentication is required for access and a second area for which authentication is not required; the content processing apparatus further comprises an authentication section that determines whether access is allowed to the first area of the content storage medium; and the output section stores the encrypted specific data in the first area and stores the encrypted content in the second area in association with the specific data to provide users with a technique for protecting data from illegal accessing without increasing the load of processing on the drive side *(Okada: par. 0042)*.

- **Regarding claim 90**, Saito discloses a content processing apparatus that, in an information management system where digitized information of content is managed as a file on a detachable content storage medium and use of the digital information is allowed only in an environment providing a specific identifier, writes the digital information into the content storage medium *(pars. 0038-0045; Fig. 1)*, the content processing apparatus comprising:

an input section that reads out encrypted content and encrypted specific data stored in the content storage medium *(pars. 0067-0068 and 0081-0083; Figs. 1, 5, and 7; wherein at least steps 52-54, 72, and 74-76)*;

a first storage section *(Fig. 1; memory 11, 17, and 24 are portions of the storage section within digital still camera)* that stores an apparatus identifier unique to the content processing apparatus *(par. 0041; Fig. 1; device ID is stored in the storage section of the digital still camera)*, and specific data which is different from the apparatus identifier *(par. 0045; Fig. 1; voice data, known as specific data, is stored in the storage section of the digital still camera)* and which is for determining whether the encrypted content to be stored in the content storage medium can be decoded properly *(pars. 0072-0074 and 0083-0084; Figs. 5 and 7; wherein at least steps 55 and 77: 'Decrypted Normally: Y/N?')*;

a second storage section that stores the content *(pars. 0043, 0052, 0072, and 0085-0086; Figs. 1-2; the memory card 30 includes the data recording area 33, which records image data and voice data in rewritable fashion)*;

a decoding section that decodes the encrypted content and the encrypted specific data read out from the content storage medium using the apparatus identifier *(pars. 0071-0072 and 0082-0083; Figs. 5 and 7; wherein at least steps 54 and 76)*.

Saito does not explicitly discloses a comparing section that compares decoded specific data obtained by decoding the encrypted specific data with the identification specific data stored in the first storage section, wherein, when the decoded specific data agrees with the identification specific data stored in the first storage section, the decoding section decodes the encrypted content using the apparatus identifier.

However, in an analogous art, Okada discloses method for protecting data, comprising a comparing section *(Okada: Figs. 6 and 9; comparison discrimination sections 180 and 250)* that compares decoded specific data obtained by decoding the

encrypted specific data with the identification specific data stored in the first storage section *(Okada: pars. 0081, 0089, 0103, 0107, 0113, and 0117; Figs. 1-4 and 6-9; if the comparison discrimination section 250 discriminates that the two second drive IDs are coincident with each other when the host unit 200 read out the contents data from the drive 100 (the storage section 150), then the decryption section 271 to 273 are operate)*,

wherein, when the decoded specific data agrees with the identification specific data stored in the first storage section, the decoding section decodes the encrypted content using the apparatus identifier *(Okada: pars. 0089-0092, 0112, and 0157-0158; Figs. 1-2, 4, 6, and 9)*.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Okada with the method and system of Saito to include a comparing section that compares decoded specific data obtained by decoding the encrypted specific data with the identification specific data stored in the first storage section, wherein, when the decoded specific data agrees with the identification specific data stored in the first storage section, the decoding section decodes the encrypted content using the apparatus identifier to provide users with a technique for protecting data from illegal accessing without increasing the load of processing on the drive side *(Okada: par. 0042)*.

- **Regarding claim 91**, Saito and Okada disclose the content processing apparatus according to claim 90.

Saito further discloses the input section reads out the encrypted specific data before reading out the encrypted content from the content storage medium *(Saito: pars. 0067-0068 and 0081-0083; Figs. 1, 5, and 7; wherein at least steps 52-54, 72, and 74-76)*;

Okada further discloses the comparing section *(Okada: Figs. 6 and 9; comparison discrimination sections 180 and 250)* compares specific data obtained by decoding the encrypted specific data at the decoding section with the specific data stored in the first storage section and determines whether the decoded specific data agrees with the stored specific data *(Okada: pars. 0081, 0089, 0103, 0107, 0113, and 0117; Figs. 1-4 and 6-9; if the comparison discrimination section 250 discriminates that the two second drive IDs are coincident with each other when the host unit 200 read out the contents data from the drive 100 (the storage section 150), then the decryption section 271 to 273 are operate)*; and

only when the decoded specific data is determined to agree with the stored specific data, the input section reads out the encrypted content from the content storage medium, and the decoding section decodes the encrypted content using the apparatus identifier *(Okada: pars. 0081, 0089, 0103, 0107, 0113, and 0117; Figs. 1-4 and 6-9)*.

- **Regarding claim 92**, Saito and Okada disclose the content processing apparatus according to claim 90.

Saito further discloses the input section reads out the encrypted specific data from the first area and reads out the encrypted data from the second area *(Saito: pars. 0067-0068 and 0081-0083; Figs. 1, 5, and 7; wherein at least steps 52-54, 72, and 74-76)*.

Okada further discloses the content storage medium comprises a first area for which authentication is required for access *(Okada: pars. 0081, 0089, and 0103)* and a second area for which authentication is not required *(Okada: pars. 0078 and 0098; Figs. 6-7 and 9)*;

the content processing apparatus further comprises an authentication section that determines whether access is allowed to the first area of the content storage medium *(Okada: pars. 0103, 0107, 0113, and 0117; Figs. 2-3; if it is discriminated in step A6 that the second drive ID encrypted on the host unit 200 side and the encrypted second drive from the drive are coincident, then it is discriminated that the authentication of the drive 100 results in success; comparison discrimination section functions as an authentication section)*.

14. **Claim 89 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Okada, as applied to claim 87, and further in view of Kontio, U.S. Patent Publication No. 2005/0004875, filed on March 12, 2002.

- **Regarding claim 89**, Saito discloses the content processing apparatus according to claim 87.

Saito does not explicitly disclose the content processing apparatus comprises a cellular telephone, and the apparatus identifier comprises a telephone number or a serial number of the cellular telephone.

However, in an analogous art, Kontio discloses method for controlling the distribution of digital assets, wherein the content processing apparatus comprises a cellular

telephone, and the apparatus identifier comprises a telephone number or a serial number of the cellular telephone *(pars. 0081 and 0263; Fig. 1; mobile phones 100 and 140; device IDs could be implemented using unique serial number)*.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kontio with the method and system of Okada wherein the content processing apparatus comprises a cellular telephone, and the apparatus identifier comprises a telephone number or a serial number of the cellular telephone to provide users with a means for controlling the distribution of digital assets in communication networks *(pars. 0002)*.

15. **Claim 93 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Saito and Okada, as applied to claim 90 above, and further in view of Kontio, U.S. Patent Publication No. 2005/0004875, filed on March 12, 2002.

- **Regarding claim 93**, Saito and Okada disclose the content processing apparatus according to claim 90.

Saito and Okada do not explicitly disclose the content processing apparatus comprises a cellular telephone, and the apparatus identifier comprises a telephone number or a serial number of the cellular telephone.

However, in an analogous art, Kontio discloses method for controlling the distribution of digital assets, wherein the content processing apparatus comprises a cellular telephone, and the apparatus identifier comprises a telephone number or a serial number of

the cellular telephone *(pars. 0081 and 0263; Fig. 1; mobile phones 100 and 140; device IDs could be implemented using unique serial number)*.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kontio with the method and system of Saito and Okada, wherein the content processing apparatus comprises a cellular telephone, and the apparatus identifier comprises a telephone number or a serial number of the cellular telephone to provide users with a means for controlling the distribution of digital assets in communication networks *(pars. 0002)*.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luu Pham whose telephone number is 571-270-5002. The examiner can normally be reached on Monday through Friday, 7:30 AM - 5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L. Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Luu Pham/
Examiner, Art Unit 2437

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2437